IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3116 OF 1997

Madhav G. Pradhan & Anr. .. Applicant
Versus
M/s.Alta Leasirng & Finance Ltd. .. Respondent

Mr.S.U.Marwadi for applicant
MrA.S.Khandeparkar for respondent No.1
Mr.D.P.Adsule, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006.

P.C.

. This application was heard by me on 16th November 2006 and, thereafter, posted for judgement. Applicants are original accused Nos. 2 to 6 in Case No.231/S/96 which is filed by the first respondent in the Court of Additional Chief

Metropolitan Magistrate, 5th Court, Dadar, Mumbai. Offences alleged are punishable under section 138 of N.I. Act. The present application was admitted on 23rd October 1997. Rule was issued and stay was granted in terms of prayer cluse (c). It appears that this application is from a group of Applicants. Criminal Application No.3112 of 1997 along with Misc.Applications enlisted in the order dated 22nd June 2005 of this Court (V.G.Palshikar, J) have been allowed.

. The issue involved is whether the applicants who were at some time or the other, Directors of the concerned company, can be proceeded against any offences alleged, although they are not directly and substantially involved in the management of the Company? There is no averment in that behalf in the complaint and the petition/application proceeds on the basis that the petitioners ceased to be Directors from 16th

February 1996, 22nd March 1996 and 27th April 1996. They have specifically stated that some of them are senior citizens and on the basis of the averments at para II internal page 5 of this application, the prayer is that the process issued be quashed as far as applicants are concerned.

2. None dispute that this application involves identical issue as that of other applications, which have been allowed by this Court vide aforesaid judgement. Process issued has been quashed.

3. Consequently, for the reasons assigned in that judgement and order, this application is also liable to succeed. Rule is made absolute in terms of prayer clause (b).

(S.C.Dharmadhikari, J)